

House File 585 - Introduced

HOUSE FILE 585
BY COMMITTEE ON EDUCATION

(SUCCESSOR TO HF 124)

A BILL FOR

1 An Act relating to charter school and innovation zone school
2 approval and revocation or nonrenewal requirements under the
3 state's system of public education.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 256F.1, subsection 2, Code 2011, is
2 amended to read as follows:

3 2. A charter school may be established by creating a new
4 school within an existing public school, ~~or~~ converting an
5 existing public school to charter status, or creating a new
6 building for a charter school.

7 Sec. 2. Section 256F.1, subsection 3, Code 2011, is amended
8 to read as follows:

9 3. The purpose of a charter school or an innovation zone
10 school established pursuant to this chapter shall be to
11 ~~accomplish the following:~~ allow a school board the flexibility
12 to meet the needs of all students by authorizing the school
13 board to select for its educational program options from
14 different educational programs.

15 ~~a. Improve student learning.~~

16 ~~b. Increase learning opportunities for students.~~

17 ~~c. Encourage the use of different and innovative methods of~~
18 ~~teaching.~~

19 ~~d. Require the measurement of learning outcomes and create~~
20 ~~different and innovative forms of measuring outcomes.~~

21 ~~e. Establish new forms of accountability for schools.~~

22 ~~f. Create new professional opportunities for teachers and~~
23 ~~other educators, including the opportunity to be responsible~~
24 ~~for the learning program at the school site.~~

25 ~~g. Create different organizational structures for continuous~~
26 ~~learner progress.~~

27 ~~h. Allow greater flexibility to meet the education needs of~~
28 ~~a diverse and constantly changing student population.~~

29 ~~i. Allow for the allocation of resources in innovative ways~~
30 ~~through implementation of specialized school budgets for the~~
31 ~~benefit of the schools served.~~

32 Sec. 3. Section 256F.2, subsection 6, Code 2011, is amended
33 to read as follows:

34 6. "*Innovation zone consortium*" means a consortium of two
35 or more school districts and an area education agency in which

1 one or more of the school districts is located, that receives
 2 approval to establish an innovation zone school pursuant to
 3 this chapter. A consortium may also include an accredited
 4 nonpublic school, a community college, the state board of
 5 regents or an institution of higher education governed by
 6 the board, an accredited private institution as defined in
 7 section 261.9, or a private nonprofit corporation organized
 8 under chapter 504. In addition, the innovation zone consortium
 9 may receive technical assistance from an accredited higher
 10 education institution.

11 Sec. 4. Section 256F.3, subsection 2, paragraph a, Code
 12 2011, is amended to read as follows:

13 a. To receive approval to establish a charter school in
 14 accordance with this chapter, the principal, teachers, or
 15 parents or guardians of students at an existing public school,
 16 or the administrators of an accredited nonpublic school, the
 17 board of directors of a community college, the state board
 18 of regents or an institution of higher education governed by
 19 the board, an accredited private institution as defined in
 20 section 261.9, or a private nonprofit corporation organized
 21 under chapter 504 shall submit an application to the school
 22 board to convert an existing attendance center to, or create
 23 a new building for, a charter school. An existing attendance
 24 center shall not enter into a charter school contract with
 25 a school district under this chapter unless the attendance
 26 center is located within the school district. The application
 27 shall demonstrate the support of at least fifty percent of the
 28 teachers employed at the ~~school~~ existing attendance center
 29 on the date of the submission of the application and fifty
 30 percent of the parents or guardians voting whose children are
 31 enrolled at the ~~school~~ existing attendance center, provided
 32 that a majority of the parents or guardians eligible to vote
 33 participate in the ballot process, according to procedures
 34 established by rules of the state board.

35 Sec. 5. Section 256F.3, subsections 4 through 8, Code 2011,

1 are amended to read as follows:

2 4. A school board shall by a majority vote approve or
3 deny an application relating to a charter school no later
4 than sixty calendar days after the application is received.
5 An application approved by a school board ~~and subsequently~~
6 ~~approved by the state board pursuant to subsection 6~~ shall
7 constitute, at a minimum, an agreement between the school board
8 and the charter school for the operation of the charter school.
9 A school board that denies an application for a conversion
10 to a charter school shall provide notice of denial to the
11 applicant in writing within thirty days after board action.
12 The notice shall specify the exact reasons for denial and
13 provide documentation supporting those reasons.

14 5. An applicant may appeal school board denial of the
15 applicant's charter school application to the state board
16 in accordance with the procedures set forth in chapter 290.
17 The state board shall affirm, modify, or reverse the school
18 board's decision on the basis of the information provided in
19 the application indicating the ability and willingness of the
20 proposed charter school to meet the requirements of ~~section~~
21 ~~256F.1, subsection 3, and section 256F.4.~~

22 6. Upon approval of an application for the proposed
23 establishment of a charter school, the school board shall
24 ~~submit an application for approval to establish the charter~~
25 ~~school to~~ notify the state board in accordance with ~~section~~
26 ~~256F.5~~ of its intention to establish a charter school. A
27 notice under this subsection shall include a description of the
28 proposed school as contained in the application.

29 7. An application submitted to the state board pursuant to
30 subsection 2, paragraph "b", ~~or subsection 6~~ shall set forth the
31 manner in which the ~~charter school or~~ innovation zone school
32 will provide special instruction, in accordance with section
33 280.4, to students who are limited English proficient. The
34 application shall set forth the manner in which the ~~charter~~
35 ~~school or~~ innovation zone school will comply with federal and

1 state laws and regulations relating to the federal National
2 School Lunch Act and the federal Child Nutrition Act of 1966,
3 42 U.S.C. § 1751-1785, and chapter 283A. The state board shall
4 approve only those applications that meet the requirements
5 specified in ~~section 256F.1, subsection 3, and sections 256F.4~~
6 and 256F.5. The state board may deny an application if the
7 state board deems that approval of the application is not in
8 the best interest of the affected students.

9 ~~8. The state board shall approve not more than ten~~
10 ~~innovation zone consortium applications.~~

11 Sec. 6. Section 256F.4, subsection 2, unnumbered paragraph
12 1, Code 2011, is amended to read as follows:

13 Although a charter school or innovation zone school may
14 elect to comply with one or more provisions of statute or
15 administrative rule, a charter school or innovation zone school
16 is exempt from all statutes and rules applicable to a school, a
17 school board, or a school district, including but not limited
18 to chapters 20 and 279, except that the charter school or
19 innovation zone school shall do all of the following:

20 Sec. 7. Section 256F.4, subsection 2, paragraph h, Code
21 2011, is amended by striking the paragraph.

22 Sec. 8. Section 256F.4, subsection 3, Code 2011, is amended
23 to read as follows:

24 3. A charter school or innovation zone school shall not
25 discriminate in its student admissions policies or practices
26 on the basis of intellectual or athletic ability, measures
27 of achievement or aptitude, or status as a person with a
28 disability. However, a charter school or innovation zone
29 school may limit admission to students who are within a
30 particular range of ages or grade levels or on any other
31 basis that would be legal if initiated by a school district,
32 including but not limited to establishing academic preparation
33 prerequisites designed to protect and promote the quality
34 and integrity of the charter school educational program.

35 Enrollment priority shall be given to the siblings of students

1 enrolled in a charter school or innovation zone school.

2 Sec. 9. Section 256F.5, unnumbered paragraph 1, Code 2011,
3 is amended to read as follows:

4 An application to the ~~state~~ school board for the approval
5 of a charter school or to the state board for approval of an
6 innovation zone school shall include but shall not be limited
7 to a description of the following:

8 Sec. 10. Section 256F.5, subsections 2 and 12, Code 2011,
9 are amended to read as follows:

10 2. The mission, purpose, ~~innovation,~~ and specialized focus
11 of the charter school or innovation zone school.

12 12. A statement indicating how the charter school or
13 innovation zone school will meet the requirements of ~~section~~
14 ~~256F.1, as applicable,~~ section 256F.4, subsection 2, paragraph
15 "a"; and section 256F.4, subsection 3.

16 Sec. 11. Section 256F.6, subsection 1, paragraphs a and b,
17 Code 2011, are amended to read as follows:

18 a. An approved charter school or innovation zone school
19 application shall constitute an agreement, the terms of which
20 shall, at a minimum, be the terms of a four-year enforceable,
21 renewable contract between a school board, ~~or~~ and the charter
22 school, or between the boards participating in an innovation
23 zone consortium, and the state board. The contract shall
24 include an operating agreement for the operation of the charter
25 school or innovation zone school. The terms of the contract
26 may be revised at any time with the approval of the school
27 board, or of both the state board and ~~the school board or~~
28 the boards participating in the innovation zone consortium,
29 whether or not the stated provisions of the contract are being
30 fulfilled.

31 b. A charter school contract may be renewed by agreement
32 of the school board ~~or~~. An innovation zone school contract
33 may be renewed by agreement of the boards participating in an
34 innovation zone consortium, ~~as applicable,~~ and the state board.

35 Sec. 12. Section 256F.8, subsection 1, unnumbered paragraph

1 1, Code 2011, is amended to read as follows:

2 A contract for the establishment of a charter school or
3 innovation zone school may be revoked by the ~~state board,~~
4 ~~the~~ school board that established the charter school, by the
5 advisory council, or by the state board and the innovation zone
6 consortium that established the innovation zone school, if the
7 appropriate board or consortium determines that one or more of
8 the following occurred:

9 Sec. 13. Section 256F.8, subsection 1, paragraph e, Code
10 2011, is amended by striking the paragraph.

11 Sec. 14. Section 256F.8, subsections 2 through 5, Code 2011,
12 are amended to read as follows:

13 2. The decision by a school board, advisory council, or an
14 innovation zone consortium to revoke or to fail to take action
15 to renew a charter school or innovation zone school contract is
16 subject to appeal under procedures set forth in chapter 290.

17 3. A school board, advisory council, or a board
18 participating in an innovation zone consortium that is
19 considering revocation or nonrenewal of a charter school or
20 innovation zone school contract shall notify the advisory
21 council, if applicable, the parents or guardians of the
22 students enrolled in the charter school or innovation zone
23 school, and the teachers and administrators employed by the
24 charter school or innovation zone school, sixty days prior to
25 revoking or the date by which the contract must be renewed,
26 but not later than the last day of classes in the school year.
27 If a school board or advisory council revokes or fails to
28 renew a contract, the school board shall assume oversight and
29 operational authority.

30 4. a. If the state board determines that a ~~charter school~~
31 ~~or~~ an innovation zone school is in substantial violation of
32 the terms of the contract, the state board shall notify the
33 school board or innovation zone consortium and the advisory
34 council of its intention to revoke the contract at least sixty
35 days prior to revoking a contract and the ~~school board or the~~

1 school boards participating in the innovation zone consortium
2 shall assume oversight authority, operational authority, or
3 both oversight and operational authority. The notice shall
4 state the grounds for the proposed action in writing and
5 in reasonable detail. The ~~school board or~~ innovation zone
6 consortium may request in writing an informal hearing before
7 the state board within fourteen days of receiving notice of
8 revocation of the contract. Upon receiving a timely written
9 request for a hearing, the state board shall give reasonable
10 notice to the ~~school board or~~ innovation zone consortium of
11 the hearing date. The state board shall conduct an informal
12 hearing before taking final action. Final action to revoke
13 a contract shall be taken in a manner least disruptive to
14 students enrolled in the ~~charter school or~~ innovation zone
15 school. The state board shall take final action to revoke or
16 approve continuation of a contract by the last day of classes
17 in the school year. ~~If the final action to revoke a contract~~
18 ~~under this section occurs prior to the last day of classes in~~
19 ~~the school year, a charter school or innovation zone school~~
20 ~~student may enroll in the resident district.~~

21 ~~5.~~ b. The decision of the state board to revoke a contract
22 under this section is solely within the discretion of the state
23 board and is final.

24 5. If the final action to revoke a contract under this
25 section occurs prior to the last day of classes in the school
26 year, a charter school or innovation zone school student may
27 enroll in the resident district.

28 EXPLANATION

29 This bill increases the number of entities that may submit an
30 application to a school board to convert an existing attendance
31 center to a public charter school or innovation zone, and
32 permits the creation of a new building for a charter school.
33 The bill eliminates the requirement that the state board of
34 education approve and enter into charter school contracts, and
35 eliminates a provision that allows the state board to revoke a

1 charter school contract. The bill makes a number of additional
2 or conforming changes to the Code chapter providing for the
3 establishment, administration, and revocation or nonrenewal of
4 public charter schools and innovation zones.

5 The bill replaces a list of purposes for which a charter
6 school or innovation zone is established to accomplish, by
7 stating that the purpose of a charter school or an innovation
8 zone shall be to allow a school board the flexibility to meet
9 the needs of all students by authorizing the school board to
10 select for its educational program options from different
11 educational programs.

12 Under the bill, a charter school applicant or innovation
13 zone consortium may include an accredited nonpublic school, a
14 community college, the state board of regents or one of its
15 universities, an accredited private postsecondary institution,
16 or a private nonprofit corporation.

17 Instead of submitting an application to the state board
18 for approval, the school board must notify the state board of
19 its intention to establish a charter school. Also eliminated
20 is the requirement that charter schools and innovation zone
21 schools be subject to and comply with Code chapter 20, relating
22 to collective bargaining, and Code chapter 279 relating to
23 contracts with and discharge of teachers and administrators.
24 The bill exempts charter schools from the requirements of Code
25 chapters 20 and 279.

26 The bill authorizes a charter school or innovation zone
27 school to establish academic preparation prerequisites designed
28 to protect and promote the quality and integrity of the charter
29 school educational program.

30 The bill eliminates the provision that authorizes revocation
31 of a contract for a failure to show improvement in student
32 progress over that which existed in the same student population
33 prior to the establishment of the charter school or the
34 innovation zone school.

35 The bill allows an advisory board to revoke a contract,

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1 and if a school board or advisory council revokes or fails to
2 renew a contract, the school board shall assume oversight and
3 operational authority under the bill. If the final action to
4 revoke a contract occurs prior to the last day of classes in
5 the school year, a charter school or innovation zone school
6 student may enroll in the resident district.